

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BRIAN KAREM,

Plaintiff,

v.

DONALD J. TRUMP, in his individual capacity and
official capacity as President of the United States; and
STEPHANIE GRISHAM, in her individual capacity
and official capacity as White House Press Secretary,

Defendants.

Case No. 1:19-cv-2514-KBJ

JOINT MOTION TO STAY

Counsel for the parties have met and conferred and now jointly move the Court for an order to stay all proceedings in this action pending the official capacity Defendants' appeal of the Court's order granting Plaintiff's motion for a temporary restraining order and preliminary injunction, ECF No. 32.

There is good cause for this jointly-sought order, which will preserve the resources of the parties and the Court, as an appeal may resolve some or all of the claims in this action or, at a minimum, affect the scope of further proceedings.

The parties agree that the preliminary injunction will remain in place pending appeal (including any potential review by the Supreme Court), and have agreed that they will not seek to stay or otherwise lift the preliminary injunction during the pendency of the appeal and that neither Defendants nor any member of the Administration will suspend or revoke (or seek to suspend or revoke) Plaintiff's hard pass based on the facts at issue in this case so long as the injunction

remains in effect.¹ The parties have further agreed that should Plaintiff prevail on appeal (including any potential review by the Supreme Court), the Court may convert the preliminary injunction into a permanent injunction against the White House Press Secretary in her official capacity. Such non-opposition to any conversion is not a concession on the merits of either the official-capacity or the individual-capacity claims.

In the event that the official capacity Defendants prevail on appeal (including any potential review by the Supreme Court), the parties further agree that the stay may be lifted and the parties will continue to litigate or resolve the remaining claims in the ordinary course.

Following a final resolution of the appeal of the preliminary injunction, the parties will submit a joint status report concerning further proceedings within 30 days of the issuance of the mandate.

Dated: September 27, 2019

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¹ It is Defendants' position that the individual capacity Defendants are not parties to the preliminary injunction, which, Defendants contend, was not sought against them. They join this motion to stay all proceedings in the district court.

By: /s/ Paul E. Werner

Paul E. Werner (MD Bar, under LCvR 83.2(e))

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[PROPOSED] ORDER

For good cause shown, it is ORDERED that all proceedings are stayed pending the final resolution of the official capacity Defendants' appeal of the preliminary injunction. Following the final resolution of the appeal of the preliminary injunction, the parties shall submit a joint status report concerning further proceedings within 30 days of the issuance of the mandate.

DATE: _____

HON. KETANJI BROWN JACKSON
UNITED STATES DISTRICT JUDGE